

March 12, 2010

United States Army Corps of Engineers  
Attn: CECW-CE, Douglas J. Wade  
441 G Street NW  
Washington, DC 20314-1000

Re: Opposition to Proposed Revised Policy Regarding Variances from Vegetation Standards for  
Levees and Floodwalls (Docket No. COE-2010-0007)

Dear Mr. Wade:

Thank you for the opportunity to provide comments in regard to the February 9, 2010 proposal by the Army Corps of Engineers (Corps) to revise its policy regarding variance from the national standard for managing vegetation on levees that are part of the Public Law (PL) 84-99 program. The signers of this letter represent a broad spectrum of authorities, responsibilities and interests associated with the management of floodplains, and have an ongoing need to find sustainable and sound policy approaches to achieving social and ecological goals related to how floodplains are managed.

We respectfully express our dissatisfaction with the Corps' proposed revisions. Fundamentally, it is difficult for us to see how this proposal will help the region reach the goal we share with the Corps of protecting and restoring Puget Sound by 2020, or effectively provide lasting certainty for local implementers in Puget Sound and across Washington state who have come to rely on significant levels of PL 84-99 funding in their levee management programs. It will not improve our ability to meet our shared desire to align flood safety and environmental rules in a way that works for our community. It will hinder our ability to protect clean water and recover salmon.

While the revisions leave open the option for departures from the highly restrictive national standard, the variance option proposed would establish an application process so onerous that it would rarely, if ever, be used. We believe that one end result of the implementation of the proposed revisions will be a permanent reduction in the amount and quality of vegetation on the hundreds of miles of levees within the program. Even under the current variance we are aware of the removal of hundreds of trees in one jurisdiction in 2009, and the likelihood that thousands more will be lost. The proposed revision would only exacerbate this existing problem. A corollary end result will be the continued, unresolved question of the exposure of program participants to legal issues stemming from the impacts of degraded riparian conditions on listed salmon populations. The proposal contributes little to advancing an effective solution to this existing problem.

Our disappointment is particularly acute in light of the February 2009 workshop on levee management, at which the Corps expressed a sincere interest in exploring different approaches to this issue. We were encouraged by that discussion, and by the resulting effort the Corps, working with the National Marine Fisheries Service, put into scoping a local pilot study that would use rigorous methods to test assumptions about the interactions between vegetation and levees and then drive development of locally-appropriate management standards. We appreciate the work the Corps put into developing the pilot concept and its willingness to look at options for resolving the complex issues at hand.

This proposal goes in the opposite direction from where that 2009 discussion seemed to point, and apparently as a result of the failure of the pilot concept, does not specifically address conditions and opportunities in Puget Sound or across Washington state. It fails to maintain the status quo policy that offered marginal but useful flexibility, let alone represent a more tailored and locally responsive management approach.

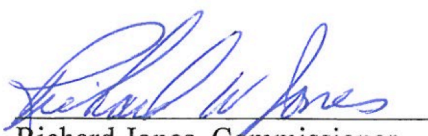
We request that the Corps withdraw and recraft this proposal. We strongly recommend that the standards that emerge from this rule-making process

- adhere to the current best available science regarding the interaction between vegetation and levees, including information that would be gained through a timely regional pilot project that would investigate this interaction and utilize the information in the near term;
- continue and increase flexibility for PL 84-99 program participants to retain vegetation of any size on levees where there is no evidence that such vegetation compromises public safety; and
- support program participants' need to resolve existing legal concerns stemming from the conflict between the existing standards and the recovery of listed species.

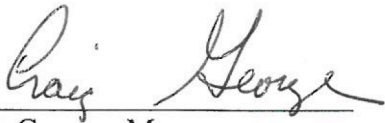
Please note that several signers of this letter will be providing more detailed comments on the proposal under separate cover.

We understand that in making policy decisions like this one the Corps must account for its nationwide operating context. We encourage, and are willing to work closely with, the Corps to develop policy options that reflect local conditions and opportunities and align better with our shared goals while meeting the intent of the nationwide interests of the Corps.

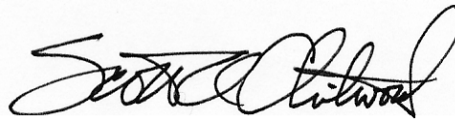
Sincerely,



Richard Jones, Commissioner  
Columbia County, WA



Craig George, Mayor  
City of Dayton, WA



Scott Chitwood, Natural Resources Director  
Jamestown S'Klallam Tribe



David D. Dicks, Executive Director  
Puget Sound Partnership



Lorraine Loomis, Fisheries Manager  
Swinomish Indian Tribal Community



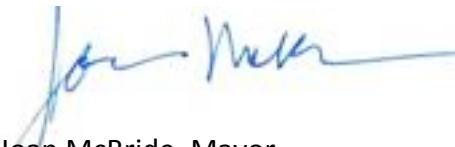
Ted Sturdevant, Director  
Department of Ecology



Bill Anderson, Executive Director  
Citizens for a Healthy Bay



Philip Anderson, Director  
Washington Department of Fish & Wildlife



Joan McBride, Mayor  
City of Kirkland, WA

Merle Jefferson, Senior, Executive Director  
Lummi Natural Resources Department



Shawn Cantrell, Executive Director  
Seattle Audubon Society



Pat McCarthy, County Executive  
Peirce County, WA



Jim Haggerton, Mayor  
City of Tukwila, WA



Kathy Fletcher, Executive Director  
People for Puget Sound



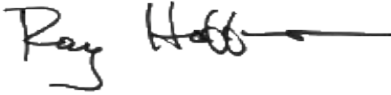
Michael Garrity, Washington Conservation Director  
American Rivers



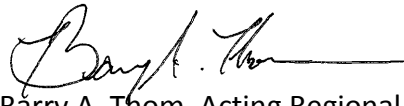
Dan Siemann, Senior Environmental Policy  
National Wildlife Federation, Pacific Region



Tim Trohimovich  
Co-Director of Planning & Law  
Futurewise



Ray Hoffman, Acting Director  
Seattle Public Utilities



Barry A. Thom, Acting Regional Director  
NOAA Fisheries Northwest Region  
Puget Sound Partnership, Ecosystem Coordinating Board



Bill Abrahamse, Council President  
Washington Trout Unlimited



Denis Law, Mayor  
City of Renton, WA



John Marchione, Mayor  
City of Redmond, WA



Joan Crooks, Executive Director  
Washington Environmental Council